

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:22-CV-61553-DIMITROULEAS/HUNT

CRUZ VALDIVIESO FIGUERA,

Plaintiff,

vs.

ALL VIP CARE INC. AND LIZ  
VELAZQUEZ MCKINNON,

Defendants.

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**PLAINTIFF'S UNOPPOSED MOTION TO AMEND**  
**JOINT PRETRIAL STIPULATION**

Plaintiff, Cruz Valdivieso Figuera, pursuant to S.D. Fla. Local Rule 7.1 and requests that the Court grant her leave to amend the Pretrial Stipulation to correct a scrivener's error and to reflect the further agreement of the parties, as follows:

1. The Joint Pretrial Stipulation [ECF No. 90] contains a scrivener's error indicating that Ms. Valdivieso Figuera started working for the Defendants in May 2022 when the parties agree that she signed the documentation necessary to work in May 2021.
2. Ms. Valdivieso Figuera requests that the Court permit her to submit a revised Joint Pretrial Stipulation to reflect this correction.
3. The parties also have engaged in further discussions and as a result, the parties have decided to agree to the following:
  - a. The existence of a contract between the parties, thereby eliminating the need to litigate issues involving Unjust Enrichment (Count IV of Secnd Amended

Complaint) or Promissory Estoppel (Count II of the Counterclaim) [ECF Nos. 23 and 37];

- b. The elimination of the claim at Count III of the Counterclaim for Violation of Florida's Trade Secret Act. [ECF No. 37.]

4. The parties thus request that the Court grant them leave to file an Amended Joint Pretrial Stipulation to incorporate their agreements and the scrivener's error identified above.

WHEREFORE Plaintiff, Cruz Valdivieso Figuera, requests that the Court enter an Order in accordance with the foregoing motion based on the agreement of the parties and the intent to narrow the issues for trial and permit them to file an Amended Pretrial Stipulation no later than October 17, 2023.

Dated this 13th day of October 2023.

s/Brian H. Pollock, Esq.  
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